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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

21 KLAMATH-SISKIYOU WILDLANDS
22 CENTER, *ET AL.*,

23 Plaintiffs,

24 v.

25 NOAA NMFS, *ET AL.*,

26 Defendants.
27

)
) Civ. No. 3:13-cv-3717-NC
)
) **STIPULATION AND [~~PROPOSED~~]**
) **ORDER SETTING CASE**
) **MANAGEMENT SCHEDULE AND**
) **VACATING STATUS**
) **CONFERENCE**
)
)

28 STIPULATION AND [~~PROPOSED~~] ORDER - 1
CASE NO. 3:13-cv-3717-NC

1 Pursuant to Paragraph D of this Court's *Order on Joint Case Management Statement*
2 (Doc. #41), the parties hereby submit this proposed case management schedule. The parties are
3 ready to schedule motions for summary judgment in this matter because no party intends to file a
4 motion to complete or supplement either of the administrative records. The parties note that they
5 have agreed to longer briefs because Plaintiffs' complaint states nine separate claims for relief,
6 each of which may have a number of supporting arguments, and because there are two separate
7 federal defendants and administrative records. The parties conferred by telephone on Monday
8 June 2, 2014, and now stipulate and request of the Court an order entering the following briefing
9 schedule and page limits.
10

11 A. Plaintiffs shall file a motion for summary judgment and any supporting materials,
12 which may include standing declarations and excerpts of the administrative records,
13 on or before August 1, 2014. Plaintiffs' memorandum in support of its motion for
14 summary judgment shall not exceed fifty (50) pages.
15

16 B. The Federal Defendants and Intervenor Fruit Growers Supply Company shall file
17 their responses to Plaintiffs' motion for summary judgment and any cross-motions for
18 summary judgment on or before September 5, 2014. The combined total of the
19 Federal Defendants' and Intervenor's response briefs and cross motions for summary
20 judgment shall not exceed fifty (50) pages.
21

22 C. Plaintiffs shall file a reply brief in support of Plaintiffs' motion for summary
23 judgment along with a response to Defendant's and Intervenor's cross motion for
24 summary judgment, including any supporting materials, on or before October 8,
25 2014. Plaintiffs' reply and response brief shall not exceed ^{twenty-five (25)}~~thirty-five (35)~~ pages.
26

- 1 D. The Federal Defendants and Intervenor Fruit Growers Supply Company shall file
2 their reply briefs in support of their cross motions for summary judgment on or before
3 October 30, 2014. The Federal Defendants' and Intervenor Fruit Growers Supply
4 Company's reply briefs shall only address issues raised by their cross motions for
5 summary judgment. The combined total of the Federal Defendants' and Intervenor's
6 ^{twenty-five (25)}
7 reply briefs shall not exceed ~~thirty-five (35)~~ pages.
- 8 E. The caption pages, tables of contents and authorities, and any supporting declarations
9 and record materials shall not count toward the page limits described herein.
- 10 F. The parties request oral argument on this matter, to be scheduled on a date that is
11 convenient for the Court.
- 12 G. Because the parties have agreed to the proposed summary judgment briefing schedule
13 and page limits they do not need to have the scheduled June 11, 2014 status
14 conference.
- 15 H. If the Court opts to conduct the status conference, counsel for Plaintiffs and counsel
16 for the Federal Defendants hereby request permission to appear at the conference via
17 telephone.
18
19

20 Respectfully submitted this 4th day of June, 2014.

21 WASHINGTON FOREST LAW CENTER

22 By: /s/ Paul Kampmeier
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20 Scott B. Birkey
21 Attorneys for Defendant-Intervenor
22 FRUIT GROWERS SUPPLY COMPANY

23 **E-FILING ATTESTATION**

24 Pursuant to Civil Local Rule 5.1(i)(3), I attest that Ethan Eddy and Andrew Sabey have
25 concurred in the filing of this document.

26 /s/ Paul Kampmeier
27 Paul Kampmeier, counsel for Plaintiffs

1 **[PROPOSED] ORDER**

2 The above STIPULATION establishing a summary judgment briefing schedule is
3 GRANTED. The status conference set for June 11, 2014 is ~~RECALLED~~ CATED.

4
5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

6
7 Dated: June 4, 2014

